



Austin City Council MINUTES

For AUGUST 9, 1990

Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Cooke and Councilmember Nofziger.

MINUTES APPROVED

1. Approved Minutes for Regular Meeting of August 2, 1990 and Special Meeting of August 1, 1990.

On Councilmember Barnstone's motion, Councilmember Larson's second, 4-0 Vote, Councilmember Carl-Mitchell out of the room, Mayor Cooke and Councilmember Nofziger absent.

1:00 P.M.- CITIZEN COMMUNICATIONS

2. Mr. Ronny Mack discussed cable television issues and their impact on public access television in Austin. (Speech #4 of 4)
3. Mr. Paul Leonard did not speak.
4. Mr. Charlie Eldred discussed new public access cable television channels.
5. Ms. Sue Schorer discussed current City issues.
6. Mr. David N. Elliott discussed current City issues.
7. Mr. David B. Weatherford discussed Sections I and II, Shady Hollow Subdivision, Southwest Travis County M.U.D. No. 1, and Water and Wastewater Department.
8. Mr. Stephen W. Hodgkins discussed sound quality at AquaFest.
9. Mr. Eric A. Anderson discussed internal City affairs.
10. Mr. Henry Ratliff discussed subways for Austin.
11. Mr. Ramon Galindo discussed vagrant problem at 213 West 5th.
Mr. David Ellis discussed Shady Hollow M.U.D. No. 1.

ITEMS CONTINUED FROM PREVIOUS MEETING

12. Approve a construction contract award to AMERICAN CONSTRUCTORS, INC., 315 Nueces, Austin, Texas, for 450 drilled piers and a concrete foundation retaining wall for the Convention Center, in the amount of \$1,127,000.00. (Funding provided through C.I.P. Project No. 493-827-1000 from Convention Center Bonds). Low bid of seven (7) bids. MBE (Hispanic) - 15%, (Black) - 4%, WBE - 5.2% (Total) 24.2% participation. C.I.P. Project No. 493-827-1000.
POSTPONED TO AUGUST 16, 1990

ORDINANCESHyde Park Zoning (Items 13-15)

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3907 Avenue D, Zoning Case No. C14-87-141, from SF-3 to GO, Hyde Park Baptist Church, Richard Suttle, Agent. First reading on February 1, 1990, 7-0 vote. Conditions met as follows: Restrictive Covenant incorporate conditions imposed by Council.
POSTPONED INDEFINITELY
14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3805-3815 Speedway, Case No. C14-89-0072, from MF-4 to GO, Hyde Park Baptist church, Richard Suttle, Agent. First reading on February 1, 1990, 7-0 vote. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates conditions imposed by Council.
POSTPONED INDEFINITELY
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3802-3804 Speedway, Case No. C14-89-0074, from MF-4 to GO-CO, Hyde Park Baptist Church, Richard Suttle, Agent. First reading on February 1, 1990, 6-1 vote. (Councilman Robert Barnstone voting no). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate conditions imposed by Council.
POSTPONED INDEFINITELY
16. Accepted an increase of \$2,804.00 to Interlibrary Loan Contract 403.1 from the Texas State Library and amend the 1989-90 annual Operating Budget by appropriating these funds to the Austin Public Library.
17. Amended the 1989-90 Capital Budget by appropriating Capital Metro Public Transportation Mobility funds in the amount of \$50,000.00 for Sidewalks; \$650,000.00 for Transit Roadway Repairs; \$25,000.00 for the Town Lake Shuttle Tram Study and bikeway path study; and \$25,000.00 for the East End Terminal Market Study. [A total of \$750,000.00 is to be appropriated from Capital Metro Public Transportation Mobility Funds to the 1989-90 Capital Budget]

#16 and 17 on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

18. Amended the 1989-90 General Fund Operating Budget by appropriating \$110,000.00 from the Contingency Reserve to the Human Resources Operating Budget to fund Unemployment Compensation expenses.

On Councilmember Larson's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

RESOLUTIONS

19. Authorized release of a portion of the Water Utility Easement of record in Volume 7230, Page 280, Travis County Real Property Records (TCRPR), and release of a portion of the Drainage Easement in record in Block 80, Page 147, TCRPR, located on Lots 9 & 10, Block A, Wood Island, locally known as 2315 Island Wood Road. (Request submitted by Mary Ann Purcell - \$250.00 application fee has been paid)
20. Approved appropriation of \$138,724.41 from the U.S. 183 C.I.P. Account No. 825-60-7-2074, to increase the City Escrow Deposit by \$138,724.41 for the construction of the U.S. 183 Pedestrian Overpass located south of Springdale Road. (The City's 50% share of construction cost amounts to \$297,444.41; the City's 50% share of right-of-way cost amounts to \$98,700.00; less Capital Metro's Transportation Authority share in the amount of \$257,420.00).
21. Approved the application for and acceptance of a grant from the Junior League of Austin for \$27,085.00 for continuation of the Project Walking Books program for the period June 1, 1991 through May 31, 1992.
- #19, 20, 21 on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.
22. Authorized repayment to the U.S. Department of Housing and Urban Development (HUD) for a canceled rental rehabilitation project in the amount of \$26,250.00 from the Department of Planning and Development's 1989-90 Operating Budget.
- First approved on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent. - Then, reconsidered, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent. After discussion the item was approved on Councilmember Epstein's motion, Councilmember Larson's second, 4-0 Vote, Councilmember Barnstone out of the room, Mayor Cooke and Councilmember Nofziger absent.
23. Approved a contract award to IMED CORPORATION, 9775 Business Park Ave., San Diego, California, for Intravenous Pump Sets and Administration Sets, for a total cost not to exceed \$46,832.00, with one twelve (12) month extension option for a total cost not to exceed \$49,174.00, for a total estimated cost of \$96,006.00. (Funding included in the 1989-90 Operating Budget for Brackenridge Hospital). Sole source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BSO-184
24. Approved execution of a contract with TEXAS COMMUNICATION TECHNOLOGIES, 1506 Ferguson Lane, Austin, TX, for the purchase and installation of a Nurse Call System, for a total cost of \$63,085.00. (Funding included in 1989-90 Operating Budget for Brackenridge Hospital). Low bid of four (4) bids. 0% M/WBE

Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BHO-142.

25. Approved a contract award to LIQUID CARBONIC, 4227 Binz-Engleman Rd., San Antonio, TX, for Medical Use Gases, at an annual estimated cost not to exceed \$39,836.00, with two (2) twelve (12) month extension options, at an estimated cost of \$39,836.00 for each extension, for a total amount not to exceed \$119,508.00; and rescind the previously awarded contract to TRI-GAS. (Funding included in the 1989-90 Operating Budget for Brackenridge Hospital). Low bid of five (5) bids. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BSO-001
26. Approved execution of a contract with TEXAS SCHOOL BUS CENTER INC., 4800 E. 7th St., Austin, TX, for the purchase of one 24-passenger bus to be used by the Parks Department to transport elderly passengers in the Senior Luncheon Program, in an amount not to exceed \$35,986.00. (Funding included in the 1989-90 Vehicle Acquisition Budget for General Services Department). Low bid of three (3) bids. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900616-ILL.
27. Approved a contract award to SMS, 800 E. Campbell Road, Suite 295, Richardson, Texas, for purchase and installation of a software upgrade of the existing patient billing and services system, at a total cost not to exceed \$142,075.00. (Funding included in the 1989-90 Operating Budget for Brackenridge Hospital). Sole Source. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BCO-191
28. Approved execution of a supply agreement award with ESTES CHEMICALS, 12730 O'Connor Rd., San Antonio, TX, for Herbicides, Fungicides, and Insecticides, in an amount not to exceed \$36,816.00, with the option to extend for two additional six (6) month periods, in an amount not to exceed \$18,408.00 per extension period for a total cost not to exceed \$73,632.00. Low bid of nine (9) bids. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 90-0453-1-RD

#23 - 28 on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke, Councilmember Nofziger absent.

29. Approved a construction contract award to TEXAS SOUTHWEST ROOFING, INC., 9579 Highway 290 East, Austin, TX, for the reroofing of Fire Station No. 3, 807 West 30th Street, in the amount of \$43,743.00. (Funding provided through C.I.P. No. 826-837-0040). Sole bidder. 9.52% MBE, OX WBE Subcontractor participation. Reference File No. 90-0577-2-RV.

On Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

30. Approved execution of a twelve (12) month supply agreement contract to ADVANCE BATTERY CO., 5100 Burnet Rd., Austin, TX, for automotive batteries, in an amount not to exceed \$75,000.00, with the option to extend for one (1) additional six (6) month period in an amount not to exceed \$37,500.00, for a total amount not to exceed \$112,500.00. Low bid of six (6) bids. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900608-1-CH.

31. Set a public hearing for an ordinance amending Title XIII (Land Development Code) of the Austin City Code of 1981, relating to the Building Code definition of Residential Group Care Facilities. Date and time: September 6, 1990 at 3:00 p.m.
32. Set a public hearing for an ordinance amending Title XIII (Land Development Code) of the Austin City Code of 1981 relating to Building Code requirements for separate restroom facilities in Group B Occupancy buildings. Date and time: September 6, 1990 at 3:30 p.m.
52. Approved a License Agreement to allow the encroachment of loading docks into the West 8th Street alley 200 block, 205-209 West 9th Street. Application submitted by Harry M. Whittington.

#30,31,32 and #52 on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

RECESS - Council recessed from 3:08 to 4:07 P.M. for an Austin Housing Finance Corporation meeting.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

33. 3:00 P.M. - Public hearing on amendments to the Land Development Code relating to the procedures and requirements for creation of a Neighborhood Conservation Combining District and approval of ordinance.

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving the August 9, 1990 version of the Land Development Code relating to the procedures and requirements for creation of a Neighborhood Conservation Combining District. 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

34. 5:00 P.M. - Public Hearing on an appeal by Ms. Dorothy Richter of the Planning Commission action on a site plan for Hyde Park Baptist Church, 3819 Speedway, Site Plan Case No. SP-89-0155c.

The Council, on Councilmember Barnstone's motion, Councilmember Epstein's second, closed the public hearing. 5-0 Vote, Mayor Cooke, Councilmember Nofziger absent. The recommendation of the Planning Commission was upheld and the appeal was DENIED.

4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES

ZONING DISTRICTS

Heard by the Planning Commission on August 7, 1990, Recommendation Follows

35. C14-90-0039 - HYDE PARK BAPTIST CHURCH NCCD, by Richard Suttle, 200-202 W. 39th St., 3900-3904, 3901-3909, & 3913 Ave. D, 3802, 3804, 3808, 3810, 3805-3817, 3900-3924, & 3901-3925 Speedway, 3900, 3924, 4000-4010, 3817, 3821, 3823, 3909, 4001-4013 Avenue F, 4000-4004 Avenue G, from "SF-3", "MF-4", "LO", and "CS" to "SF-3-NCCD", "MF-4-NCCD" "LO-NCCD" & "CS-NCCD." FIRST READING

Public hearing closed and ordinance passed through first reading only, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

Public Hearing held on February 1, 1990; For Action Only

36. C14-89-0075 - HYDE PARK BAPTIST CHURCH, by Richard Suttle, 4003-4007 Avenue F, from "SF-3 to "GO."
POSTPONED INDEFINITELY
37. C14-89-0076 - HYDE PARK BAPTIST CHURCH, by Richard Suttle, 4011-4013 Avenue F, from "SF-3" to "GO."
POSTPONED INDEFINITELY

Planning Commission recommended GO-CO with Conditions

38. C14-89-0073 - HYDE PARK BAPTIST CHURCH, by Richard Suttle, 4006-4014 Avenue F, from "SF-3" to "CS." (Related to Item 42)
POSTPONED INDEFINITELY

ITEMS FROM COUNCIL

39. Consider approving the City of Austin's co-sponsorship with the Austin AFL-CIO Council for a Labor Day Parade. (Councilman Robert Barnstone)

On Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke, Councilmember Nofziger absent.
40. Consider alternatives for security at Mt. Bonnell. (Councilmember Louise Epstein)

The Council, on Councilmember Barnstone's motion, Councilmember Epstein's second, directed the City Manager to direct priorities wherever she thinks they should go. 4-1 Vote, Councilmember Larson voted No, Mayor Cooke and Councilmember Nofziger absent.
41. Adopt a resolution directing the Environmental and Conservation Services Department to prepare a grant application to apply to the Texas Water Commission and the Environmental Protection Agency for the development of a Nonpoint Source Storm Water Pollution Abatement Plan that will protect the water quality of Town Lake and Lake Austin (Councilmember Louise Epstein).
POSTPONED TO AUGUST 16, 1990
42. Consider rescinding previous action to deny Zoning Case No. C14-89-0073 (Hyde Park Baptist Church), 4006-4010 Avenue F. (Councilmember Smoot Carl-Mitchell).
[Related to Item 38]
POSTPONED INDEFINITELY

EXECUTIVE SESSION

Mayor Pro Tem Urdy announced that Council would go into Executive Session,

pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

43. Pending/Contemplated Litigation - Section 2, Paragraph e
- (a) Paving assessment cases and projects.
 - (b) Dockets Nos. 8404-W and 8328-W: Petition of Bluebonnet Savings Bank, FSB, to review the outside-City retail water rate increase of the City of Austin.
 - (c) Wholesale water rate litigation.
 - (d) Review property settlement agreement with UT System and related lease amendment with LCRA.
 - (e) Discuss negotiation and execution of a contract with LCRA amending the 1938 lease of certain parcels near Tom Miller Dam, granting to LCRA a workspace easement and rights of access in an across City owned land near the Dam.
 - (f) Walter C. Schwarzer and NCNB Texas National Bank vs. Truman N. Morris Jr., Calcasieu Lumber Company and the City of Austin, Cause No. 55,457.

ACTION ON THE FOLLOWING

- 44. Approved a settlement in Dockets Nos. 8404-W and 8328-W: Petition of Bluebonnet Savings Bank, FSB, to review the outside-City retail water rate increase of the City of Austin.
- 45. Approved a wholesale water supply contract between the City of Austin and Travis County Water Control and Improvement District No. 10.
- 46. Approved a Water Rate Settlement Agreement between the City of Austin and Travis County Water Control and Improvement District No. 10.
- 47. Approved payment of all legal and rate consultant costs associated with water rate litigation.
- 48. Adopted a resolution authorizing (1) negotiation and execution of agreement with University of Texas System concerning land and easements near Tom Miller Dam; (2) release of electrical transmission line easement; and (3) conveyance to UT of .784 acre strip near Red Bud Trail.
- 49. Adopted a resolution authorizing negotiation and execution of a contract with LCRA amending the 1938 lease of certain parcels near Tom Miller Dam, granting to LCRA a workspace easement and rights of access in and across City owned land near the Dam.
- 50. Approved the lease of a 21,539 square foot building located at 701 West 5th Street from NCNB Texas and Walter C. Schwarzer for use as a Utility Customer Service Office. (Annual rent amounts to \$192,000.00. Funding for the operation of this

facility is available in the 1990-91 Operating Budget for Utility Customer Service).

#44-50, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.

51. APPOINTMENTS

ETHICS REVIEW COMMISSION - 4

The following nominations were made:

Thomas Murphey - Councilmember Epstein

Bonnie Rhodes - Councilmember Larson

The Council adjourned its meeting at 6:26 p.m.